

ROCKY HILL PLANNING BOARD
Minutes of the March 22, 2004 Special Meeting

Present: Cann, Harris, Hasser, Hayden, Muser, Nolan, Roshetar, Yuchmow

Absent: Bristol, Baralt, Whitlock

Also present: G. Muller and K. Philip

Statement Of Adequate Notice

A notice of this meeting's date, time, place and agenda was mailed to the news media and filed with the Municipal Clerk. The meeting was called to order at 8:00 p.m.

Chairperson's Comments: No comments were provided.

Open Public Comment Period: The meeting was opened to the public. Being that there were no comments, a motion was made by B. Nolan and seconded by P. Harris to close the public comment period. The vote was 8-0 in favor. Motion carried.

DISCUSSION:

ZONING ORDINANCE REVIEW: Review of Schafer tract ordinance upon referral from Borough Council.

J. Yuchmow stated that the Schafer ordinance was reviewed by Borough Council and they are referring it back to the Board without any changes. G. Muller stated that the ordinance was introduced by Council, he stated that the Planner S. Kimball has advised the ordinance is consistent with the Master Plan.

The meeting was then opened to the public.

Donald Daines, Esq., Hill Wallack, representing David Schafer addressed the board. He questioned the adequacy of the notice. G. Muller stated that the sunshine notice was faxed to four local papers last week. Mr. Daines stated that he received a letter dated March 16, 2004 as a follow-up to the 3/9/04 Planning Board meeting providing the phone numbers for the Planner, and that the planner hired by Mr. Schafer has been attempting to reach S. Kimball but has been unsuccessful except for a brief conversation earlier that day. Mr. Daines stated that Mr. Schafer has been opposing this zone change and it is his impression that their thoughts are not being considered in this matter. B. Nolan stated that S. Kimball confirmed that she had received a call and had returned the call to the applicant's planner.

John Leoncavallo, Planner for the Schafer's, was sworn in and testified that he tried contacting S. Kimball last week, he spoke with her today and she is unavailable to meet but can discuss the matter by phone. Mr. Leoncavallo stated that he was advised by the applicant's counsel that he may not be able to testify at the Council hearing on 3/29/04. Henry Chou, Hill Wallack, stated that he attended the Borough Council meeting last week and was told that the hearing would not be the appropriate forum for their Planner to provide testimony. G. Muller stated that he would be given a chance to speak at the Council hearing. Mr. Leoncavallo stated that he reviewed the ordinance and compared this with the Master Plan. He finds that there are inconsistencies in the

ordinance and he sees no basis for a 275-foot setback on Princeton Avenue because the same visual feel can be achieved with a lesser setback. Mr. Leoncavallo stated that conceptual plans show three options for development of this parcel and that in the Recreation Element it had been targeted for open space acquisition. Mr. Daines stated that the 275-foot setback is a concern because it will hinder what can be developed on the parcel. He then asked if the two uses, age-restricted and low/moderate income housing, proposed for this parcel are compatible. Mr. Leoncavallo stated that they may be incompatible. Mr. Daines noted that amenities are not being provided for the age-restricted residents. Mr. Leoncavallo stated that his experience has shown that amenities can be overseen by the homeowners association. In this case, amenities are not proposed because of the limited number of units proposed. The two uses on the same parcel would require a transition area between them. Mr. Daines asked how viable it is to maintain 13 townhomes and Mr. Leoncavallo stated that the property owners must be involved with this process and the price to maintain such a small number of units would be costly. Mr. Daines asked about the 4-acre farmettes that are being considered. Mr. Leoncavallo stated that five acres are needed in order to receive farmland assessment. Mr. Daines asked about the historic preservation standards, the adjoining land uses and the average setbacks. He concluded by asking if the parcel is subdivided into 28 lots, would the development be consistent with the surrounding uses and the Master Plan. Mr. Leoncavallo stated that this parcel can have the open space with development on the rear of the parcel. He feels that if given the chance he could work with the Planner to come up with alternative designs. The marketing of duplex units may not be sellable, typically units are acceptable if they are large and luxurious. If this becomes a problem then the units would become renter-occupied and the property does not have the same visual characteristic.

George White, 49 Washington Street, addressed the board and also questioned the adequacy of the sunshine notice. B. Nolan stated that in addition to posting it in the newspapers, the meeting was announced at the Council meeting. Mr. White stated that the Planner had mentioned the need for 5 acres of farmland and 1 acre for the homestead for farmland assessment and asked if there is an assessment if it is less than 5 acres. G. Muller responded that there is no farmland assessment if less than five acres. G. Muller then explained the apparent confusion regarding the Schafer's Planner. The Planner originally hired (T&M Associates) was not available so another Planner was hired one week ago. G. Muller sent a letter with S. Kimball's numbers. Mr. Daines stated that he sent it to T&M but T&M did not forward the letter to Mr. Leoncavallo.

B. Nolan recommended that Mr. Leoncavallo continue his dialogue with S. Kimball. G. Muller stated that the Board could recommend approval of the ordinance, recommend a deferral until further input from the Planners or, amend the ordinance after it's adoption.

Motion was made by B. Nolan and J. Hasser seconded the motion to close the public portion of the meeting. The vote was 8-0 in favor. Motion carried. Board discussion then took place. Motion was made by T. Roshetar and C. Cann seconded the motion to recommend approval of the ordinance to Borough Council without changes. The vote was 8-0 in favor. Motion carried.

Motion was made by R. Whitlock and seconded by T. Roshetar to adjourn the meeting at 9:15 p.m. All members present were in favor. Motion carried.

The next meeting is scheduled for Tuesday, April 13, 2004.

Respectfully submitted,

Kerry A. Philip
Recording Secretary